

Emergency Procurement and Contracts



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Welcome & Introduction

Today's Objectives

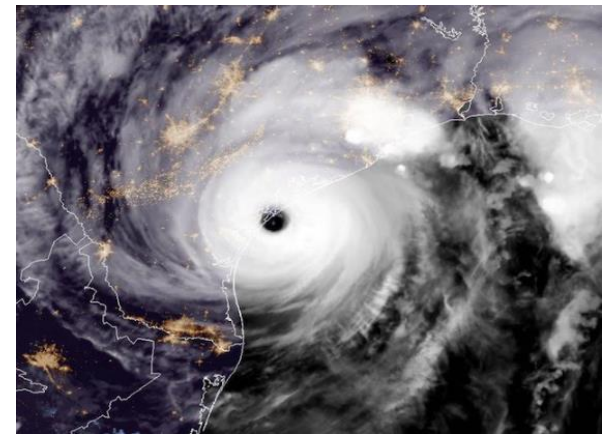
- Overview of Texas Division Emergency Management (TDEM) organization
- TDEM role in emergency management
- Texas contingency contracts
- How and when contingency contracts are utilized
- Developing your own contingency contracts
- FEMA reimbursement requirements



Why is TDEM Here?

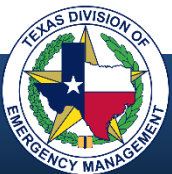
Major Disasters

- Texas is #1 in major disaster declarations since 1953
 - 98 from 1953 – 2019
- Average 1 major disaster every 8 months
- 624 miles of coastline
- 1,254 miles of international common border
 - 28 international crossings
- 8 different climate classification types
 - Humid Subtropical
 - Summer Mediterranean (Warm and Hot)
 - Desert (Hot and Cold)
 - Semi-arid (Hot and Cold)
 - Oceanic



TDEM Organization

- As of September 1, 2019, became the eighth state agency under the Texas A&M University System, previously operated under the Texas Department of Public Safety
- Chapter 418 of the Texas Government Code lays out extensive and specific responsibilities assigned to TDEM
- Coordinates the state emergency management program, intended to ensure state and local governments respond to and recover from emergencies and disasters
- Implement plans and programs to help prevent or lessen the impact of emergencies and disasters



TDEM and the State Operations Center (SOC)

State Operations Center Support

- TDEM, through the SOC, coordinates state emergency management activities
- Coordinates the activation and deployment of state resources
- May request interstate mutual aid or federal assistance



Emergency Management Council

- *Railroad Commission of Texas*
- *Texas A&M AgriLife Extension Service*
- *Texas A&M Engineering Extension Service*
- *Texas A&M Forest Service*
- *Texas Animal Health Commission*
- *Texas Commission on Environmental Quality*
- *Texas Department of Agriculture*
- *Texas Department of Public Safety*
- *Texas Department of State Health Services*
- *Texas Department of Transportation*
- *Texas Division of Emergency Management*
- *Texas General Land Office*
- *Texas Military Department*
- *Texas Parks and Wildlife Department*
- American Red Cross
- Dept. of Information Resources
- Public Utility Commission of Texas
- The Salvation Army
- State Auditor's Office
- State Comptroller of Public Accounts
- Texas Office of the Attorney General
- Texas Commission on Fire Protection
- Texas Department of Criminal Justice
- Texas Department of Family & Protective Services
- Texas Department of Housing & Community Affairs
- Texas Department of Insurance
- **Texas Department of Licensing & Regulation**
- **Texas Department of Motor Vehicles**
- Texas Education Agency
- **Texas Facilities Commission**
- Texas Health and Human Services Commission
- Texas Voluntary Organizations Active in Disaster
- Texas Workforce Commission
- **Texas A&M University System**
- **Texas State University System**
- **Texas Tech University System**
- **University of Houston System**
- **University of North Texas System**
- **University of Texas System**



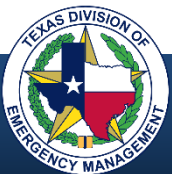
Emergency Management Council

Purpose

- Provide advice, consultation and assistance with response operations
- Convene at the SOC to carry out state response activities for major emergencies and disasters
- Mandated by executive order (GA-05) to advise and assist the governor in all matters relating to disaster

Team Members

- Agencies that have legal responsibility, expertise or resources needed for a specific emergency response function

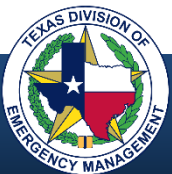


Emergency Response Levels

Emergency Response Level

SOC Actions Taken

IV: Normal Conditions	No significant emergency is present.
III: Increased Readiness Conditions	A significant emergency has not yet occurred, but a higher-than-normal level of readiness is warranted because of increased vulnerability to a specific hazard.
II: Escalated Response Conditions	The scope of the emergency has expanded beyond that which can be handled by local responders. Normal state and local government operations may be impaired.
I: Emergency Conditions	The scope of the incident has expanded beyond the response capability of local agencies.



State of Texas Contingency Contracts

- TDEM is required by law to coordinate and consult with CPA, Statewide Procurement Division on establishing contingency contracts
- Contracts are available to all state and local governments
- General contract details are found in [Texas SmartBuy](#) (orders aren't placed in the system)

Statewide Procurement Division (SPD) Statewide Contracts

Search Contracts

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Contract Number	Contract Description	Contract Type	Contract Category	Start Date	End Date	Contract Details
958-M1	Transportation Management	Term	Contingency	8/27/2014	12/31/2019	Details
962-M6	Fuel Services Contingency Contract	Term	Contingency	1/3/2013	11/30/2019	Details
962-M7	Bus Transportation Services, Emergency Contingency	Term	Contingency	9/24/2014	12/31/2019	Details
977-M1	Rental and Related Services - Portable Toilets, Hand Wash Stations, Showers and Bus Pumping Services	Term	Contingency	5/19/2017	12/31/2019	Details



Contingency Contracts

How do we come up with these?

- Historical events and incidents
 - Hurricanes Katrina, Rita, Dolly, Gustav, Ike and Harvey
 - Memorial Day Floods (multiple years)
 - Wildland fires (Bastrop)
 - West, TX fertilizer plant explosion
- Trends and common resource requests from local jurisdictions
- Lock-in pricing, scope of work, expectations, estimated response time and duration, estimated quantities, billing and invoicing



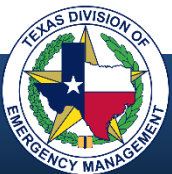
Future Contingency Contracts

- **Hauling Services (new)**
 - Dry-hauling: 53" trailers, various box truck sizes, towing capability, refrigerated and freezer trailers, various flat trailer sizes
 - Water-hauling: potable, non-potable, various tank sizes (500 – 10,000 gallons)
- **Ground Support Equipment, Rental (new)**
 - Material Handling Equipment (MHE), various generators, various HVAC units, water pumps/dewatering, dumpsters
- **Bus Management and Transportation Services (re-establish)**
 - Turn-key capability to evacuate coastal or populated impacted areas
- **Fuel Acquisition and Services (re-establish)**
 - Fuel tankers - various sizes, mobile refueling, stand-alone fuel storage, oil, lubricants, DEF



Future Contingency Contracts Pending Development

- **Base Camp Establishment Services (new)**
 - Turn-key first responder base camp establishment, sheltering, catering, showers, restrooms, laundry
- **Ground Transportation Support (new)**
 - Land, sea and rail transportation services
- **Debris Management and Removal (new)**
 - Turn-key debris management, hauling, removal and burning
- **Heavy Equipment, Rental (new)**
 - Highway/road equipment, dozers, excavation, earth moving – various sizes



How do I Utilize Contingency Contracts?

- Competitively bid and awarded by SPD in coordination with TDEM
- Designed for TDEM use
- Acts like a Managed Contract (order directly from the vendor)
- Includes contract language stating all state and local governments may utilize contract
- Contract gets activated through TDEM prior to disaster, immediately following a catastrophic event or at the request of state or local government in localized emergencies
- Purchase orders are issued against the contract based on established pricing and requirements



Developing Your Own Contingency Contracts

Preparedness, Response and Recovery

- Field offices
- Regional facilities
- Headquarters
- State agency assets

Follow your applicable procurement procedures (state and/or local)



State Non-Federal Entities (state agencies, instrumentalities of the state, and territories)	Other Non-Federal Entities (local governments, tribal governments, IHEs, hospitals, and other nonprofit organizations)
2 C.F.R. § 200.317	2 C.F.R. §§ 200.318 through 200.326
<p><u>Synopsis:</u></p> <ul style="list-style-type: none"> • (1) Must follow same policies and procedures it uses for procurements from its non-Federal funds; • (2) Comply with § 200.322 (procurement of recovered materials); and • (3) Include any clauses required by § 200.326 (contract provisions) 	<p><u>Synopsis:</u></p> <ul style="list-style-type: none"> • (1) Must follow its own documented procurement procedures which reflect applicable state, local, and tribal laws and regulations; and • (2) Provided that the procurements conform to applicable federal law and the standards identified in 2 C.F.R. §§ 200.318 through 200.326
<p>Note: The subrecipient must comply with all applicable Federal laws, regulations, and executive orders.</p>	



Contract File Documentation

- Why you chose the procurement method
- Why you chose the type of contract
- Why you chose or rejected a respondent
- The basis for the contract price



Top 10 Procurement Mistakes Leading to Audits and Potential Loss of FEMA Funding

- Engaging in a noncompetitive procurement (i.e., sole-sourcing) without carefully documenting how the situation has created an urgent need to perform the work sooner than a competitive procurement process would allow.
- Continuing work under a sole-source contract after the urgent need (see #1) has ended, instead of transitioning to a competitively procured contract.
- Piggybacking onto another jurisdiction's contract in a situation that doesn't allow noncompetitive procurement (see #1) or where the other contract is materially different in terms of scope or requirements. Piggybacking is rarely allowable.
- Awarding a "time-and-material" contract without a ceiling price that the contractor exceeds at its own risk and documenting why no other contract type is suitable.
- Awarding a "cost-plus-percentage-of-cost" or "percentage-of-construction-cost" contract.



Top 10 Procurement Mistakes Leading to Audits and Potential Loss of FEMA Funding

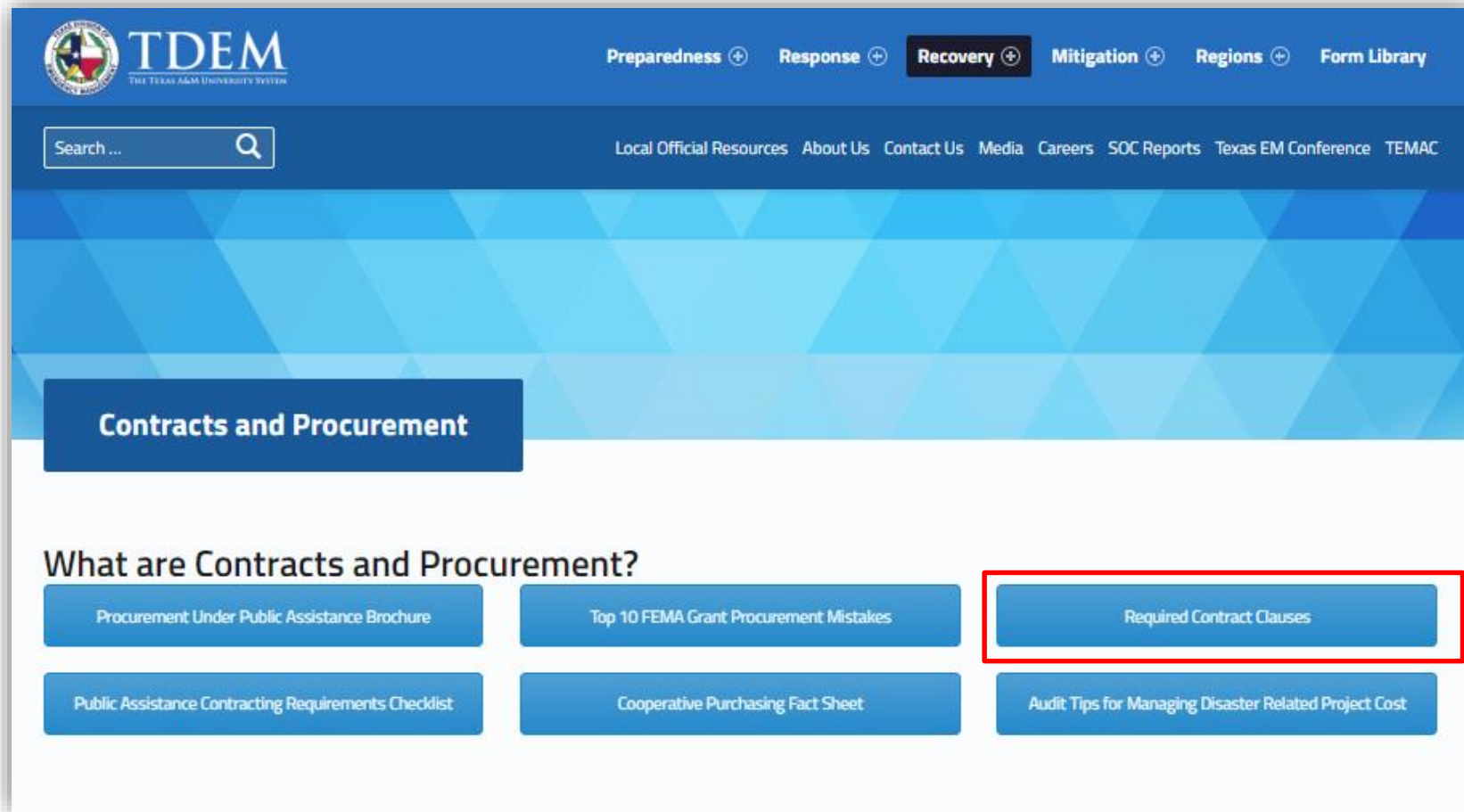
- Not including the required contract clauses.
- Including a geographic preference in a solicitation.
- Not making and documenting efforts to solicit small businesses, minority businesses, and woman's business enterprises.
- Conducting a procurement exceeding \$150,000 without conducting a detailed cost or price analysis.
- Not carefully documenting all steps of a procurement to create a record if questions arise potentially years later.

For further information on FEMA grant procurement requirements, including contract review checklists, detailed guidance on the above topics, and online webinar training classes, please visit <https://www.fema.gov/procurement-disaster-assistance-team>.



Required Contract Clauses for FEMA Funding

<https://tdem.texas.gov/contracts-and-procurement/>



Procurement Summary

- Document entire procurement process
- Consistently apply procurement policies and procedures
- Procurement process and procedures are in writing
- Incorporate documentation requirements for vendors into the solicitation
- Research any changes in federal, state or local policies
- Ensure due diligence when completing procurement



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Purchasing

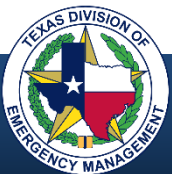
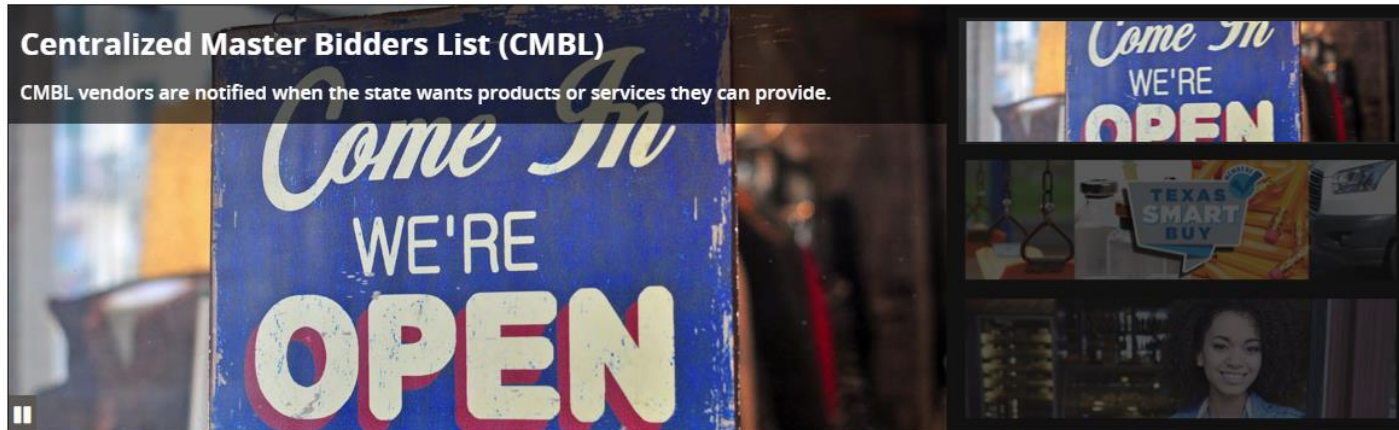
The Comptroller's Statewide Procurement Division connects vendors with state purchasers and contract opportunities, and help state and local government entities procure non-IT goods and services through easily accessible contracts that meet their needs.

With our eprocurement system [TxSmartBuy](#), vendors' goods and services are listed for easy access and ordering by state and local government purchasers. We also manage and monitor thousands of state contracts to ensure compliance, and provide training for state purchasers and contract managers.

 **Fraud Alert**

Centralized Master Bidders List (CMBL)

CMBL vendors are notified when the state wants products or services they can provide.



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Statewide Contracts

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[Contract Development](#)
[Contract Management](#)
[Procurement Oversight & Delegation](#)
[Texas Multiple Award Schedule \(TXMAS\)](#)
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Vendor Resources

[Vendor Information Center](#)
[Centralized Master Bidders List \(CMBL\)](#)
[Historically Underutilized Business \(HUB\)](#)
[Modify CMBL/HUB Profile](#)
[Electronic State Business Daily \(ESBD\)](#)



Government Resources

[Need Help? Contact the Outreach Team](#)
[Vendor Performance Tracking System \(VPTS\)](#)
[Texas SmartBuy Membership Program](#)
[State Payment Card](#)
[State Travel Management](#)
[State Mail Services](#)
[Vehicle and Fleet Management](#)
[Retail Fuel Card](#)



Procurement Resources

[Texas Procurement and Contract Management Guide](#)
[Publications and Forms](#)
[State Print Services](#)
[NIGP Commodity Book](#)
[Search for CMBL/HUB Vendors](#)
[Statutes and Procedures](#)
[Grant Management](#)



Training and Policy Development

[Purchasing/Contract Development \(CTCD\)](#)
[Contract Manager \(CTCM\)](#)
[Certification](#)
[Continuing Education](#)
[Training and Policy Development FAQ](#)




SB20


[Centralized State Purchasing Study](#)
[State Agency Contract Management Procedures](#)
[LBB Contracts Database](#)




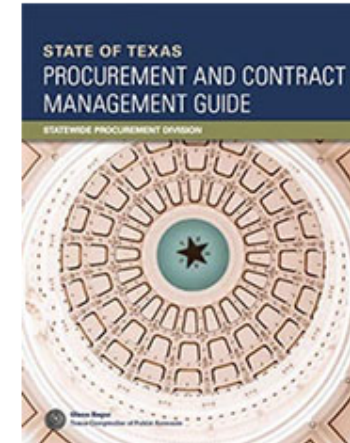
Purchasing

STATE OF TEXAS PROCUREMENT AND CONTRACT MANAGEMENT GUIDE

The Comptroller's Statewide Procurement Division released the  [State of Texas Procurement and Contract Management Guide](#). This guide is a complete rewrite of the State of Texas Procurement Manual and the State of Texas Contract Management Guide, which are merged into one document with the goal of providing a holistic approach to government procurement. The guide provides a framework for navigating the complexities of Texas procurement law and offers practical, step-by-step guidance to ensure agencies acquire goods and services in an effective and efficient manner.

The  [State of Texas Procurement and Contract Management Guide](#) can be found throughout our website. If you have any feedback or questions, please email spd.policy@cpa.texas.gov.

The Statewide Procurement Division has provided a  [Legislative Crosswalk](#) to help agency personnel find revisions to the State of Texas Procurement and Contract Management Guide based on the 86th Legislative Session.



Questions



Thank You!

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